

Division VIII of 5 California Code of Regulations

Proposed Amendments to 5 California Code of Regulations Section 80413 Pertaining to Specific Requirements for Preliminary and Clear Multiple and Single Subject Teaching Credentials for Applicants Prepared in California

Initial Statement of Reasons

Rationale for Proposed Regulation

Governor Schwarzenegger signed Assembly Bill 2210 (Stats. 2004, Chap. 343) on August 30, 2004. In June 2005, section 80413, was approved by the Office of Administrative Law to implement the requirements stated in AB 2210. Section 80413(b)(2) states that effective August 30, 2004, completion of a Commission approved program of beginning teacher induction is required to earn a clear single subject and multiple subject teaching credential. If a beginning teacher is eligible for induction but an employing agency verifies that induction is not available or the employing agency verifies that the beginning teacher is required under NCLB to complete subject matter course work to be qualified for a teaching assignment, he or she may complete a Commission-accredited fifth year of study program. Induction, as defined by the Commission's adopted *Standards of Quality and Effectiveness for Professional Teacher Induction Programs*, is a standards-based job-embedded process of applying and demonstrating theory and knowledge acquired in the preliminary preparation program with the support and assistance of a support provider leading to the clear credential recommendation.

An employing agency is defined in the regulations as including public school districts, county offices of education, schools that operate under the direction of a California state agency, nonpublic, nonsectarian schools and agencies, charter schools and private schools. These agencies will determine the method the beginning teacher will complete the requirements to earn the clear credential, by induction or a fifth year of study.

State funding is available to support induction for all individuals employed in the public schools in California in their first and second year of teaching on a preliminary multiple or single subject teaching credential. Individuals employed in private schools or other teaching positions, but not K-12 public schools, may participate in an approved induction program but are not supported by state funding. Preliminary multiple and single subject credential holders who are employed as day-to-day substitutes, individuals who move out of California prior to completing the clear credential requirements, and individuals who are employed by an entity that is not a school or who are not employed are not eligible for induction, consequently they are not eligible to participate in the fifth year of study. As a result, for these individuals neither state funded induction or a fifth year of study can be completed to earn the clear credential. These individuals might be eligible to complete a university-based induction program, should one be available.

Currently, a preliminary credential is valid for five years. The expectation is that the vast majority of individuals who earn a preliminary multiple subject or single subject credential will be employed as a K-12 teacher within those five years and therefore able to complete the clear

credential program through induction. (Clear credential program is completion of either a Commission-approved induction program or a Commission-accredited fifth year of study.) But it is now clear that a small percentage of individuals who hold preliminary multiple or single subject credentials are not able to participate in induction and are not employed by entities that can waive the induction requirement to allow the individual to complete a fifth year of study. Beginning in September 2009, there will be individuals who hold preliminary credentials that will soon expire and the individual will not have had the opportunity to earn the clear credential.

In discussion with stakeholders from the induction and university communities, there is broad agreement that individuals who earn the clear credential should have demonstrated the skills and abilities as defined by the clear credential program standards. Stakeholders have also expressed concern for the individuals who earned the preliminary credential but have not been able to find a teaching position in a public school and therefore have not the opportunity to complete induction.

Options for Extension of Time

The proposed regulations allow for three options:

- 1) A two-year extension for individuals employed in a position for which they may complete the clear credential program but need additional time to complete the requirements. *[subsection (d)]*

If an individual has not been able to find employment as a teacher, then his or her preliminary credential would expire. Every individual has the right to request an extension of an expired credential. When the individual finds employment and therefore needs the credential, then he or she would request an extension of the preliminary credential providing information including verification of employment. This will allow the individual to be employed as a teacher and participate in an induction program to earn the clear credential. If the individual did not complete the renewal requirements for a reason such as illness, an additional one-year extension may be issued on a case by case situation.

- 2) A three-year extension for individuals who have not completed the requirements to earn a clear credential and are not in a position whereby they may complete the clear credential program. The individual needs to hold a multiple or single subject credential to serve in their current assignment. The individual would have additional time to seek a position that would allow for completion of the clear credential program. An individual may gain employment in a position that allows for completion of the requirements within the three years and earn the clear credential. *[subsection (e)]*

The recommendation from stakeholders from the induction and university communities is that an individual should be allowed to request a one-time renewal of the preliminary credential for three years. Included in the application would be a statement from the individual explaining why induction was not completed in the five years of the preliminary credential and describing the plan to complete the clear credential program within the three-year time period of the extension. In addition, the individual will need to certify that he or she was not employed in a position for which the clear credential program was available.

An individual who has been issued the two-year extension in #1 is not eligible for the three-year extension in #2 as an individual must certify that he or she was not employed in a position for which the clear credential program was available to earn the three-year extension. If an individual does not complete the clear credential program during the two-year extension because he/she were negligent, the three-year extension would not be available. *[subsection (e)(2)(B)(ii)]*

- 3) An individual who received a three-year extension of their preliminary credential as noted in #2 may extend the credential for an additional two years as noted in #1 if he or she gains employment in a position that allows for completion of the requirements after the three-year extension. This would allow for the additional time necessary to earn the clear credential.

In addition to proposing an extension of time under the limited circumstances described above, the basic skills and professional growth requirements have been updated, additional agencies are added to the list of employing agencies, and a definition for clear credential program has been added.

Proposed Amendments to Regulation

§80413(a)(2) The proposed change is to update the basic skills requirement in alignment with recent changes in statute.

§80413(a)(8) Clarification for other approved programs other than institutions of higher education to verify completion of the approved program is included in this subsection.

§80413(b) and (c) With the passage of SB 1209 (Chap. 517, Stats. 2006) and the deletion of Education Code sections 44270.1 and 44277, professional growth is no longer a requirement to earn a ‘professional’ clear credential and the Commission has returned to issuing clear credentials. In addition, grammatical errors are being corrected.

§80413(d) The conditions and requirements to extend a credential for a two-year period (induction is generally a two-year program) for individuals employed in a position for which they may complete the clear credential program but need additional time to complete the requirements are described in the subsection.

§80413(e) The conditions and requirements to extend a credential for a three-year period for individuals who have not completed a clear credential program for the clear credential are described in the subsection.

Adding a requirement that the individual must certify that he or she was not employed or not employed long enough in a position for which the clear credential program was available will keep an individual from obtaining the two-year extension in subsection (d) and then obtaining the three-year extension in subsection (e).

§80413(f)(1) The language defines which employing agencies can determine if preliminary credential holders may participate in a Commission-approved fifth year program. The expanded definition for ‘employing agency’ adds juvenile court schools and juvenile and adult correction because these are employment situations where a Commission-approved Induction Program may be offered.

§80413(f)(3) A definition for ‘clear credential program’ was added for clarification.

Documents Relied Upon in Preparing Regulations

The Commission did not rely upon any technical, theoretical or empirical studies, reports or documents in proposing the adoption of this regulation amendment.

Alternatives Considered

The Commission must determine that no alternative considered will be more effective in carrying out the purpose for which the action is proposed or will be as effective and less burdensome to affected private persons or small businesses than the proposed action. These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with Section 17500) of the Government Code.